

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LUCASYS INC.,

Plaintiff and Counterclaim Defendant,

v.

POWERPLAN, INC.,

Defendant and Counterclaim Plaintiff.

Civil Action No.: 1:20-CV-02987-AT

Judge Amy Totenberg

**JOINT MOTION FOR EXTENSION OF TIME AND MODIFICATION OF
SCHEDULING ORDER**

Lucasys Inc. and PowerPlan, Inc. jointly move the Court to extend the discovery period in this matter through and including October 28, 2022, and to modify the Scheduling Order to extend all other deadlines accordingly. In support of the motion, the Parties state as follows:

1. Lucasys filed its Complaint in this action (Doc. 1) on July 17, 2020. On September 11, 2020, PowerPlan filed a motion to dismiss for failure to state a claim (Doc. 18). The motion was fully briefed (Docs. 26, 28) and submitted on November 10, 2020, and the Court denied the motion (Doc. 35) on September 30, 2021.
2. On October 14, PowerPlan filed its Answer and Counterclaims (Doc. 36). In response, on October 28, Lucasys filed a motion to dismiss the Counterclaims (Doc. 49). Lucasys' Motion to Dismiss is fully briefed

(Docs. 52, 58) and is pending before the Court. Lucasys has also filed a motion for relief requiring pre-discovery identification of trade secrets (Doc. 45). That motion is also fully briefed and pending before the Court (Docs. 50, 55).

3. On October 25, 2021, the Court entered the Scheduling Order in this action (Doc. 46). The Court ordered a ten-month discovery period in this case, with the close of discovery set for August 15, 2022.
4. The Parties continue to work cooperatively and diligently to complete discovery in this case. To date, the Parties have exchanged written discovery, produced over 100,000 documents in total, and taken and scheduled depositions.
5. The Parties have met and conferred and agree that depositions exceeding the limit imposed by the Civil Rules are likely necessary in this case. The Parties also agree that given the need for these depositions and the document discovery remaining, additional time is needed to complete fact discovery. The Parties therefore request a modification of the Scheduling Order as follows:

	Current Deadline	Requested Deadline
Complete fact discovery	April 15, 2022	June 28, 2022
Each party to disclose expert reports on its primary claims	May 27, 2022	August 9, 2022
Rebuttal and reply experts and expert reports	July 15, 2022	September 27, 2022
All discovery closes	August 15, 2022	October 28, 2022
Dispositive motions	September 15, 2022	November 28, 2022

6. The Parties further request that each party be permitted take up to twenty fact depositions, with the following limitations: (i) Lucasys shall not be permitted to take more than ten depositions of PowerPlan (including any corporate representative, any individual who was employed by PowerPlan on or after October 30, 2019, or any individual whose relevant personal knowledge arises solely from their employment with PowerPlan); and (ii) Lucasys shall not be permitted to take more than one deposition of Roper Technologies, Inc. or its current employees.

7. The Parties further request that each party shall be permitted to depose any expert identified by the other party, without respect to any limitations on the number of depositions in this case.

8. This request is made in good faith and not for purposes of delay.

9. There have been no previous requests for extensions of the discovery period.

10. A proposed order granting this motion is attached as Exhibit A.

Respectfully submitted this 17th day of March, 2022

AGREED BY:

s/ Jason Alloy (by SMF with express permission)

Richard L. Robbins
Georgia Bar No. 608030
rrobbins@robbinsfirm.com
Jason Alloy
Georgia Bar No. 013188
jalloy@robbinsfirm.com
Joshua A. Mayes
Georgia Bar No. 143107
jmayes@robbinsfirm.com
Evan Dunn
Georgia Bar No. 535202
edunn@robbinsfirm.com

**ROBBINS ALLOY BELINFANTE
LITTLEFIELD LLC**
500 14th Street, NW
Atlanta, GA 30318
Telephone: +1.678.701.9381
Facsimile: +1.404.856.3250

Aaron Gott (*pro hac vice*)
Aaron.gott@bonalawpc.com
BONA LAW PC
15 South 9th Street, Suite 239
Minneapolis, MN 55402
Telephone: +1.612.284.5001

s/ Damond R. Mace

Petrina A. McDaniel
Georgia Bar No. 141301
Petrina.mcdaniel@squirepb.com
SQUIRE PATTON BOGGS (US) LLP
1230 Peachtree Street NE, Suite 1700
Atlanta, GA 30309
Telephone: +1.678.272.3200
Facsimile: +1.678.272.3211

Damond R. Mace (admitted *pro hac vice*)
Damond.mace@squirepb.com
Stephen M. Fazio (admitted *pro hac vice*)
Stephen.fazio@squirepb.com
Steven A. Friedman (admitted *pro hac vice*)
Steven.friedman@squirepb.com
SQUIRE PATTON BOGGS (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114-1304
Telephone: +1.216.479.8500
Facsimile: +1.216.479.8780

*Attorneys for Defendant
and Counterclaim Plaintiff
PowerPlan, Inc.*

Jarod Bona (*pro hac vice*)
Jarod.bona@bonalawpc.com
Jon Cieslak (*pro hac vice*)
Jon.cieslak@bonalawpc.com
BONA LAW PC
4275 Executive Square, Suite 200
La Jolla, CA 92037
Telephone: +1.858.964.4589
Facsimile: +1.858.964.2301

*Attorneys for Plaintiff and
Counterclaim Defendant Lucasys Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on March 17, 2022 by filing it using the Court's CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Damond R. Mace

Damond R. Mace

*Attorney for Defendant and Counterclaim
Plaintiff PowerPlan, Inc.*